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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,645	08/19/2003	Thomas Rathschlag	MERCK-2733	3760

23599 7590 03/20/2006

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EXAMINER

SPEER, TIMOTHY M

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Call

Office Action Summary	Application No.	Applicant(s)	
	10/642,645	RATHSCHLAG, THOMAS	
	Examiner	Art Unit	
	Timothy M. Speer	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC §§ 102 & 103

1. Claims 1-3, 5 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang for reasons of record in the Office Action dated 06/29/05.
2. Claims 4, 6-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang for reasons of record in the Office Action dated 06/29/05.
3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang.

Wang was discussed above and fails to teach the inclusion of at least one crosslinking agent. Wang, however, that the various layers may contain "various additives known in the art" (see col. 4, lines 3-11, for instance). Crosslinking agents, and the properties imparted thereby, e.g., improved durability, are extremely old and well known in the art, viz., are additives known in the art. Accordingly, it would have been obvious to one having ordinary skill in the art to employ a crosslinking agent in the articles of Wang, since such materials are known in the art, and such materials are expressly suggested by Wang.

Response to Arguments

4. Applicant's arguments filed 12/28/05 have been fully considered but they are not persuasive. In response to the art rejections over Wang, applicant argues that "[n]othing in Wang teaches or suggests UV-curing the varnish" (response at page 2). This argument is not persuasive. The present claims are directed to an article, not a method. The article includes, inter alia, a cured varnish layer; Wang clearly teaches such a cured layer. The manner in which the varnish layer is cured is not relevant to patentability of the presently claimed article.

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Accordingly, applicant's arguments have been fully considered, but are not found to be persuasive.

Conclusion

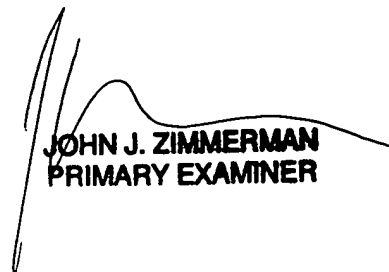
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Speer whose telephone number is 571-272-8385. The examiner can normally be reached on M-Th, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy M. Speer



JOHN J. ZIMMERMAN
PRIMARY EXAMINER